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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
Implementation of the Pay Telephone)
Reclassification and Compensation)
Provisions of the Telecommunications)
Act of 1996)

CC Docket No. 96-128

PETITION FOR WAIVER

The District of Columbia Public Service Commission (DCPSC), pursuant to Section 1.3 of the Rules of the Federal Communications Commission (FCC),¹ hereby files its request for waiver of the requirement set forth in FCC Order 96-388 in CC Docket No. 96-128, issued September 20, 1996, that each State determine, by September 20, 1998, whether it needs to take any measures to ensure the existence of public interest payphones (PIPs).

In the Telecommunications Act of 1996, Congress directed the FCC to "determine whether public interest payphones, which are provided in the interest of public health, safety, and welfare, in locations where there would otherwise not be a payphone, should be maintained, and if so, ensure that such public interest payphones are supported fairly and equitably."² The FCC, in its Report and Order, recognized that all payphones serve the public interest by providing access to basic communications services and expressed particular concern about the role served by payphones in providing access to emergency services, especially in isolated location and areas with low levels of residential phone penetration. The FCC also recognized that a freely competitive marketplace may not provide for payphones in locations where they serve important public policy objectives, but which, for various reasons, may not be economically self-supporting.

The FCC has defined a "public interest payphone" (PIP) as a payphone which 1) fulfills a public policy objective in health, safety, or public welfare, 2) is not provided for a location provider

¹ 47 C.F.R. § 1.3 (1996).

² See Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Report and Order, 11 FCC Rcd 20541 (1996) ("Payphone Order"); Order on Reconsideration, 11 FCC Rcd 21233 (1996) ("Payphone Reconsideration Order"); Order, CC Docket No. 96-128, DA 97-2162 (rel. October 7, 1997); Second Report and Order, CC Docket No. 96-128, FCC 97-371 (rel. October 9, 1997).

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with an existing contract for the provision of a payphone, and 3) would not otherwise exist as a result of the operation of the competitive marketplace.³ In its Report and Order, the FCC directed each State to evaluate, by September 20, 1998, whether it needs to take any measures to ensure that payphones serving important public interests will continue to exist in light of the elimination of subsidies and other competitive provisions established pursuant to Section 276 of the Act, and that any existing programs are administered and funded consistent with the FCC's rules.

The DCPSC is in the midst of a Formal Case to inquire into the need for public interest payphones in the District of Columbia and wishes to solicit public comment on this issue before filing its report with the FCC. However, pursuant to the District's Administrative Procedures Act, those comments will not be received until on or after October 16, 1998. As a consequence, the DCPSC requests an extension until December 31, 1998 to file its report with the FCC. No party will be prejudiced or harmed by this extension and the public interest will be advanced by allowing the DCPSC to complete its process and submit a comprehensive report to the FCC regarding the need for PIPs in the District of Columbia.

Respectfully submitted,


Public Service Commission of the
District of Columbia

By: 
Richard A. Beverly
General Counsel

³ FCC Docket No. 96-128, Paragraph 282 (September 20, 1996).

DECLARATION OF RICHARD BEVERLY


I, Richard A. Beverly, General Counsel, of the Public Service Commission, do hereby declare under penalties of perjury that I have read the foregoing "Petition for Waiver" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.


Richard A. Beverly
General Counsel

Date: September 21, 1998

CERTIFICATE OF SERVICE

I, Richard A. Beverly, of the Public Service Commission of the District of Columbia, 717 14th Street, N.W., Washington, D.C. 20005, hereby certify that a copy of the foregoing "Petition for Waiver" was mailed this day of September 21, 1998, to the following parties:


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